IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

-

WRIT PETITION NO : 22812 of 2004

Between:

Nune Vijayalakshmi, W/o. Tirumalareddy Srinivasa Reddy,
Pedda Bommalapuram, Dornala Mandal, Prakasam District.

..... PETITIONER

AND

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Dornala Mandal, Prakasam

District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned proceedings of the respondent No.1 dt. 23-11-2004 in Rc.CS2/4723/2004 rejecting to grant stay of the orders of the proceedings of the 2nd respondent dt. 19-10-2004 in D.Dis.(H)/18212004 as illegal, arbitrary, unjust and consequently set aside the proceedings of the 2nd respondent dt. 19-10-2004 in D.Dis.(H)/18212004.

Counsel for the Petitioner : K.ARUNA

Counsel for the Respondents : GP FOR CIVIL SUPPLIES

The Court at the admission stage made the following :

O R D E R:

The authorization of the petitioner was cancelled by the second respondent, through order dated 19.10.2004. She preferred an appeal against the same before the first respondent, together with an application for grant of stay. The first respondent refused to stay the operation of the order of cancellation, through order dated 23.11.2004. Hence, this writ petition.

Heard learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The second respondent issued a show-cause notice to the petitioner on 15.09.2004. The petitioner has submitted her explanation. On consideration of the same and after verification of the records, the second respondent cancelled the authorization of the petitioner. An appeal is preferred against it. The question as to whether the order of cancellation suffers from illegality or infirmity needs to be considered at the hearing of the appeal. Once a dealership is cancelled, it is not at all permissible or advisable to permit the dealer to continue, pending the disposal of the appeal. Hence, no exception can be taken to the order passed by the first respondent, rejecting the application for grant of stay. The first respondent can be required to dispose of the appeal itself without any further delay.

Hence, the writ petition is disposed of, directing that the first respondent shall dispose of the appeal preferred by the petitioner, as early as possible and not later than six weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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9th December, 2004

Note: Issue copy in three days.

(B/o)

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To

1 The Joint Collector, Prakasam District, Ongole.
2 The Revenue Divisional Officer, Markapur, Prakasam District.
3 The Mandal Revenue Officer, Dornala Mandal, Prakasam

District.

4. Two C.Cs to the Govt.Pleader for Civil Supplies,

High Court buildings, Hyderabad (OUT).

5 Two CD copies